

**FILED**  
**OCT 08 2021**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**IN RE: SEIZURE OF \$86,526.00 U.S.  
CURRENCY**

Case No.

**3:21 MC 754**

Judge

**JUDGE HELMICK**

**MOVANT/PARTY IN INTEREST:  
SAMER ALI MOUSSA**

**MEMORANDUM IN SUPPORT OF  
MOTION FOR RETURN OF  
PROPERTY**

Now comes Movant/Party in Interest, Samer Ali Moussa, by and through counsel, and respectfully submits this Memorandum in Support of his Motion for Return of Property filed herewith.

On or about February 12, 2021 Movant/Party in Interest, Samer Ali Moussa, was stopped by the Ohio State Highway Patrol in the Northern District of Ohio, Western Division. During the traffic stop, the Highway Patrol took \$86,526.00 in U.S. currency from the possession of said Party in Interest.

The Highway Patrol turned over the \$86,526.00 to the United States Drug Enforcement Agency (DEA) which "adopted" the seizure. The DEA commenced Administrative Civil Forfeiture proceedings against the seized currency. Party in Interest, Samer Ali Moussa, filed a proper and timely Claim of Ownership with the DEA. The matter was then referred to the United States Attorney's Office for the Northern District of Ohio on June 4, 2021 (See, correspondence from DEA Forfeiture Section appended to Motion

for Return of Property as Exhibit 1).

18 U.S.C. 983 (a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

More than ninety (90) days have now elapsed since the DEA referred this matter to the United States Attorney's Office for the Northern District of Ohio and no Judicial Forfeiture proceedings have been filed in District Court.

Since no Judicial Forfeiture action has been commenced within the ninety (90) day period specified in 18 U.S.C. 983 (a)(3)(A) the Government is required to promptly return the \$86,526.00 to Party in Interest, Samer Ali Moussa as required by 18 U.S.C. 983 (a)(3)(B) which provides as follows:

If the Government does not—

(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

(ii) before the time for filing a complaint has expired—

(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General, and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

WHEREFORE, the Motion for Return of Property filed herewith must be found well taken and the \$86,526.00 in U.S. Currency be returned to Party in Interest, Samer Ali Moussa, forthwith as provided by law.

Respectfully submitted,

/s/: John F. Potts

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/s/: Jeffrey I. Goldstein

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**CERTIFICATION**

This is to certify that a copy of the foregoing was hand delivered this 8th day of October, 2021 to the U.S. Attorney's Office, Four Seagate, Third Floor, Toledo, OH 43604.

/s/: John F. Potts

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John F. Potts (0033846)